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SUBJECT: SLOVENIA: COM MEETS NEW JUSTICE MINISTER LOVRO STURM

Classified By: Chief of Mission Thomas B. Robertson for reasons 1.4(b) and (d).

¶11. (SBU) SUMMARY: On 13 December, COM called on newly confirmed Justice Minister Lovro Sturm and raised denationalization of AmCit-held property, court backlogs, the pending Slovenian request for the return of alleged financial criminal Davorin Sadar, and the need to negotiate a mutual legal assistance (MLA) protocol under the overarching U.S.-EU agreement. Telling COM he wanted to "deepen ties" between the two countries, Sturm mentioned the possibility of improving relations between U.S. and Slovenian young lawyers, and he made a plug for inviting prominent guests from the U.S. to speak in Slovenia. COM was accompanied by DCM, Conoff and Pol-Miloff. Sturm was joined by State Secretary Robert Marolt, Chief of Staff Janko Koren, and staffer Blaz Ivanc. Hours after the meeting, Slovenian press outlets reported that COM had "promised" Sturm that the U.S. would extradite Sadar. Embassy issued a press release on 14 December clarifying the inaccurate report. END SUMMARY

JUDICIAL REFORM AND BILATERAL EXCHANGES

¶12. (SBU) After Sturm opened the meeting by expressing his wish to "deepen ties" between the U.S. and Slovenia, COM agreed that efforts should be made to deepen and improve the good bilateral relationship that already exists. COM highlighted a series of recent and upcoming exchanges focused on legal and judicial reform, and he asked Sturm to suggest specific areas for future cooperation. Sturm said he would like to see improved education and research opportunities in the U.S. for young Slovenian lawyers. He also encouraged the possibility of inviting prominent U.S. guests to give lectures in Slovenia, mentioning former Education Secretary William Bennett and columnist Thomas Sowell by name.

DENATIONALIZATION

¶13. (SBU) Despite an impressive record in Slovenia on resolving denationalization cases, COM told Sturm the process seemed to work more slowly for AmCits and asked if procedures might somehow be streamlined. Sturm said he was quite familiar with the issue from his days as a Constitutional Court judge and pointed to the Constitutional Court's decision to give priority to denationalization cases. He assured COM that AmCits are not being discriminated against and attributed delays to the difficult nature of certain cases. DCM highlighted the specific case of a city-run kindergarten adjacent to the Embassy as one such difficult AmCit case, where political equities may have contributed to delays.

COURT BACKLOGS

¶14. (SBU) COM expressed concern about the Slovenian court system's considerable backlog issue, highlighting the negative implications for foreign direct investment when businessmen cannot rely on swift justice to settle commercial disputes. Sturm said improving backlogs is "one of the greatest tasks of the Ministry" but that the problem would not be easy to solve. Nonetheless, he said the MoJ will look at ways to optimize court procedures and improve legislation to deal with the problem. He asked for help from U.S. experts, noting that one-third of backlog problems stem from delayed execution of judgments. COM suggested inviting D.C. Superior Court Judge Nan Shuker to continue her work with the Slovenian judiciary in this area.

EXTRADITION AND DAVORIN SADAR

¶15. (C) COM told Sturm that progress was being made on Slovenia's request for the provisional arrest and return of Slovenian citizen Davorin Sadar, who had been accused in Slovenia of financial crimes. COM said it appeared Sadar would be deported rather than being extradited. Sturm said he had heard about the deportation solution and agreed that

it would be simpler. Conoff stressed that U.S. law forbids speaking to the press about specific deportation and/or extradition cases. Conoff told Sturm that Sadar would be

escorted back to Slovenia by a DHS officer if he loses in his deportation hearing appeal. When pressed by Sturm for the timing of Sadar's deportation, Conoff said he did not know but guessed by the end of January 2005.

16. (U) More generally on the topic of extradition, COM told Sturm the U.S. looked forward to starting negotiations soon with MoJ on a bilateral protocol to the 2003 U.S.-EU Extradition and Mutual Legal Assistance Agreement. He explained that protocols will be negotiated with each EU member state under the overarching U.S.-EU Agreement.

THE SADAR CASE AND THE SLOVENIAN PRESS

17. (C) Hours after the meeting, Slovenian press outlets reported that COM "assured Justice Minister Lovro Sturm in Monday's talks that the U.S. would extradite Davorin Sadar." Embassy issued a press statement on 14 December to clarify the record, and Embassy protocol officer spoke with Koren to ask if any of the participants in the meeting had spoken to the press and tell them that - if so - the information they released was inaccurate and could hamper proceedings over Sadar. Koren was very apologetic and attributed the "error" to the inexperience of the new Minister's team.

18. (U) The text of the Embassy press statement is as follows:

"In a meeting December 13 with Justice Minister Dr. Lovro Sturm, U.S. Ambassador Thomas B. Robertson discussed the Embassy's ongoing cooperative legal efforts in the case of Davorin Sadar, a Slovene citizen. The Slovene government has announced it is requesting that U.S. authorities return Sadar to Slovenia. While the Embassy is unable to fully discuss the details of this case due to privacy laws, we would like to note that recent news stories reporting that Ambassador Robertson had promised the U.S. would extradite Sadar are not accurate. As the Ambassador pointed out in his meeting, the decision whether or not to extradite an individual is the responsibility of judicial authorities in the United States, and these authorities are currently reviewing the Slovene government's request."

COMMENT

19. (C) COM's meeting with Sturm began auspiciously enough with mutual pledges to deepen the bilateral relationship and a productive review of current bilateral issues. Sturm's office managed to display newcomers' incompetence, though, by leaking an inaccurate report to the press about what transpired between COM and Sturm behind closed doors. We hope the Embassy's press statement will put an end to any misconceptions the press and public may have about the Sadar case. After a warranted expression of frustration by the Embassy, though, we look forward to taking Sturm at his word about wishes to deepen cooperation on justice and home affairs issues in the future.

ROBERTSON

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